RG104 E-1 Box 150

Bread Department, Bureau of the MINT,

Washington, D. C., March 10 , 1888.

Hon. Daniel M. Fox,

Superintendent U.S. Mint,

Philadelphia.

Sir:

Enclosed find copy of an opinion, dated 7th instant, by the Acting
Solicitor of the Treasury, as to certain requirements of Section
3500 R.S., relating to oaths of office and before whom to be subscribed by mint employees.

Respectfully yours,

Director of the Mint.

Treasy Dekt. Washington. D.G. March. 10.1888. Games P. Kimball Director. Encloses Capy of an apinion by actia Solicitor of Triasy relating to oaths of Office & before two to be subscribed by Nrint Employees.

Department of Justice,

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Office of the Solicitor of the Greatury,

Washington, D. C., March yth 1888.

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Anare considered the guestion pre
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sented by your letter of the 21th situition air relation to the apparent conflict between lections 1756, 1757, 1958, and 3500 Revised Electrics requiring official oaths and designating the form thereof to be later by civil officers of the United Electric.

Secteins 1756, 1754, 1758 are general ni character regniring a different-form

of official valte according to the participation or non-participation of the individual in the rebellion against the United States. It-results from this, that a person who engaged in rebellin is excepted from the regnirement-preseribing the oath that he did not participale ur or consterione the rebellion while a person who activally had no parlicipation to therein must swear that he did not voluntarrily give aid, consterance, consel, or encouragement to persone engaged therein to. The remaining parts of the live outho are the earne, biz; tegniring him to

affirm that he will support the constituetive, bear true faith, and allegiance to the Rame, and that he will well and faithfully discharge the duties of the office ou which he is about to enter. There oaths may be admiristered by any officer authorized to administer oaths by the laws of the United States, or by the local or muricipal lawe in any State, Gerritory, or Writiel. How sective 3500 R.S., is a special exactment pæsed ales kribsegrently ri ltre origival form to the time of the approval of the acts giving origin to the other extrins

to shich I have before adverted. Its execial character relating as it doce, to officiens of the Mirit, at well as its position in point of time in the Statutes, controls, ae far ae il gee, the determination of the questiere presented. It provides ni such special cases that the vidioid. pral shall take an vath, feithfully and diligeritly to perform the duties of the office vir addition to other official outs presented by law. I do not think this means that he shall take more than one vatte of office, but that he shall make the respective avernents required

RG104 E-1 Box 150

to be made by the several provisions, under vatte. Another variance between the earlier sections and Rection 3500 is in the requirement-that officers of the mil shall lake their official outs before line Judge of the anted States or Judge of Rome Court of Reevel of the State in which the muit-le liveated, inkverig a limitation in the case of these officers which I think must be observed. There provision are not neces arily in conflict, but are to be læken together. Very respectfully Hen: James P. Kumball, J. J. a. Reeve, Diréclir of the Mist. (Admis Solicition

[Letter One:]

[Abstract:] Encloses copy of an opinion by Act'g Solicitor of Treas'y relating to oaths of office...

Treasury Department, Bureau of the Mint, Washington, D.C, March 10, 1888

Hon. Daniel M. Fox, Superintendent U.S. Mint, Philadelphia.

Sir:

Enclosed find copy of an opinion, dated 7th instant, by the Acting Solicitor of the Treasury, as to certain requirements of Section 3500 R.S., relating to oaths of office and before whom to be subscribed by mint employees.

Respectfully yours, James P. Kimball Director of the Mint.

[Letter Two:]

Copy W.E.

Department of Justice, Office of the Solicitor of the Treasury, Washington, D.C., March 7, 1888

Sir:

I have considered the question presented by your letter of the 21st ultimo, in relation to the apparent conflict between sections 1756, 1757, 1758 and 3500 Revised Statutes requiring official oaths and designating the form thereof to be taken by civil officers of the United States.

Sections 1756, 1757, 1758 are general in character requiring a different form of official oath according to the participation or non-participation of the individual in the rebellion against the United States. It results from this, that a person who engaged in rebellion is excepted from the requirement prescribing the oath that he did not participate in or countenance the rebellion which a person who actually had no participation &c. therein must swear that he did not voluntarily give aid, countenance, consul, or encouragement to person's engaged therein &c. The

remaining parts of the two oaths are the same, viz: requiring him to affirm that he will support the constitution, bear true faith, and allegiance to the same, and that he will well and faithfully discharge the duties of the office on which he is about to enter. These oaths may be administered by any officer authorized to administer oaths by the laws of the United States, or by the local or municipal laws in any State, Territory, or District. Now section 3500 R.S., is a special enactment passed also subsequently in the original form to the time of the approval of the acts giving origin to the other sections to which I have before adverted. Its special character relating as it does, to officers of the Mint, as well as its position in point of time in the Statutes, controls, as far as it goes, the determination of the question presented. It provides in such special eases that the individual shall take an oath, faithfully and diligently to perform the duties of the office in addition to other official oaths presented by law. I do not think this means that he shall take more than one oath of office, but that he shall make the respective averments required to be made by the several provisions, under oath. Another variance between the earlier sections and section 3500 is in the requirement that officers of the mint shall take their official oaths before some Judge of the United States or Judge of some court of record of the State in which the mint is located, imposing a limitation in the case of these officers which I think must be observed. These provisions are not necessarily in conflict, but are to be taken together.

Very respectfully, F.A. Reeve, Acting Solicitor

Hon. James P. Kimball Director of the Mint.